



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

OHCHR REGISTRY

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To whom it may concern:

Thank you for your questionnaire dated August 25, 2015 requesting input for a detailed analytical study for the Human Rights Council on the relationship between climate change and the enjoyment of the human right to health. The United States is concerned by the climate change implications for human health, and we seek to address these through our domestic laws and policies. Before describing these measures in greater detail, we wish to clarify that some of the assumptions underlying the questionnaire are not applicable to the United States.

The United States is a party to neither the International Covenant on Economic, Social, and Cultural Rights (ICESCR) nor its Optional Protocol, and interprets references to any obligations regarding rights related to health in this survey as applicable only to the extent that States have assumed such obligations, and with respect to States Parties to the ICESCR, in light of its Article 2(1). The rights contained in the ICESCR are not justiciable as such in U.S. courts. We note also that States Parties to the ICESCR have obligated themselves to take steps, to the maximum of their available resources, to progressively realize the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health." Finally, we underscore that this survey and any responses do not define or add content to the right to the enjoyment of the highest attainable standard of physical and mental health.

With this clarification in mind, we offer the following information about United States measures to mitigate and address the effects of climate change.

1. **Please describe, in your view, the relationship climate change and the enjoyment of the right to health and any human rights obligations to mitigate and adapt to climate change that can be derived therein.**

The United States recognizes that climate change is an urgent, complex, and far-reaching global challenge, with serious implications for both

human health and the determinants of health. Addressing climate change requires cooperation, and it requires action from all nations. The recent Paris climate change agreement sends a powerful signal that countries are committed to addressing climate change. We agree that the effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights. States should respect their human rights obligations to persons in their territories when they take action on climate change. For further information on U.S. efforts on climate change, please refer to President Obama's Climate Action Plan, which was released in 2013 and which provides a framework for domestic and international activities on climate change matters, including those related to health (<https://www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf>).

2. **Please share a summary of any relevant data on the impacts of climate change on the enjoyment of the human right to health including its underlying determinants (education, water and sanitation, food, housing, etc.), disaggregated to the extent possible.**

Extensive research has been done on the health implications of climate change in the United States, including by the U.S. federal government. For some of the most thorough reports, please see:

- *2014 National Climate Assessment* - U.S. Global Research Program (<http://nca2014.globalchange.gov/>)
- *Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act* - U.S. Environmental Protection Agency (EPA) (<http://www3.epa.gov/climatechange/endangerment/>)
- *Climate Change in the United States: Benefits of Global Action* - U.S. Environmental Protection Agency (<http://www.epa.gov/cira>)

3. **Please describe existing national commitments, legislation and policy frameworks related to climate change mitigation and adaptation including any specific measures intended to prevent the worst impacts of climate change on the right to health; to ensure access to information, transparency, participation, and other procedural rights of persons affected by climate actions; to promote, protect and fulfill all human rights particularly those closely linked to the underlying determinants of health such as food, water and sanitation, housing, etc.; and to ensure that climate-related actions respect, promote, protect and fulfill human rights. Please share any relevant information on the implementation of existing commitments to address climate change and its impacts.**

The National Environmental Policy Act (NEPA) requires federal agencies to incorporate environmental considerations in their planning and decision-making processes, including the economic and social effects related to environmental impacts. These economic and social effects are often related to public health, or determinants of health. For the most recent decision-making under the NEPA, please see the EPA's "Clean Power Plan" (<http://www.epa.gov/cleanpowerplan/clean-power-plan-existing-power-plants#rule-summary>).

Additional information regarding impacts of climate change on health and the determinants of health can be found in the National Climate Assessment listed under question 2.

4. Please describe any relevant **national accountability and oversight mechanisms** designed to ensure access to remedy for those who suffer human rights harms as a result of climate change. Please highlight any relevant jurisprudence on this subject and indicate what measures, regulatory or otherwise (i.e. impact assessments), are in place to prevent harms caused by third parties.

We would note that the impact assessment issue is addressed in the NEPA process, described in Question 3. As part of our domestic efforts to address climate change, we continue to focus attention on the environmental and health conditions of minority, low-income, and indigenous communities. This includes understanding the implications of climate change impacts on members of domestic minority, low-income, and indigenous communities; identifying populations and communities vulnerable to climate change; and seeking meaningful involvement and fair treatment of all our people, regardless of race, color, national origin, or income, in the design and evaluation of adaptation strategies.

5. Please describe any concrete **mitigation and adaptation measures** being taken to address the impacts of climate change on the human right to health and good practices in this regard including those related to: international cooperation; local and community-based initiatives; private sector initiatives; development; application and diffusion of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases; and the exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change and the economic and social consequences of various response strategies.

Internationally, we are helping vulnerable countries adapt to climate change and enhance resilience of their communities and economies, including by providing over \$2.5 billion in adaptation assistance from

2010-2015. We welcome the ambitious and inclusive Paris climate change agreement reached in 2015 under which all countries would make emission reduction contributions. President Obama's Executive Order 13677 (<https://www.whitehouse.gov/the-press-office/2014/09/23/executive-order-climate-resilient-international-development>) further directs U.S. efforts on mainstreaming climate resilience into all international development activities, including those related to health and the determinants of health. Additional information on actions the United States is taking domestically and internationally to mitigate, adapt to, and assist others in addressing climate change can be found in the 2014 U.S. Climate Action Report to the UN Framework Convention on Climate Change (<http://www.state.gov/e/oes/rls/rpts/car6/index.htm>).

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Harper", written in a cursive style.

Keith M. Harper
Ambassador
U.S. Representative to the Human Rights Council